

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STEVEN LESLIE BOYT,

Petitioner,

v.

Case No. 1:07-cv-553  
Hon. Gordon J. Quist

CAROL HOWES,

Respondent.

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**ORDER**

Petitioner has filed an Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. This matter is now before the court on petitioner's "motion for an immediate response by respondent" (docket no. 19) and "motion to be allowed to file a brief in support of petition for writ of habeas corpus" (docket no. 22).

First, petitioner seeks an order directing respondent to file her response to the petition within 30 days. The court has directed respondent to file an answer or other pleading with respect to the petition within 180 days. *See* docket no. 21. The court appreciates petitioner's desire to expedite this proceeding. However, respondent must be given sufficient time to obtain state court records and review the issues raised in the petition. It is the court's experience that respondents in § 2254 actions require 180 days to assemble the state court transcripts and prepare an appropriate answer. Petitioner has not established that his situation requires expedited consideration. Accordingly, petitioner's motion for an immediate response (docket no. 19) is **DENIED**.

Second, petitioner seeks authority to file a brief in support of his amended petition. The amended petition consists of 24 pages with 163 pages of attachments. *See* docket no. 20. The

Rules Governing Section 2254 Cases in the United States District Courts do not explicitly allow a petitioner to file a supporting brief with the habeas petition. However, pursuant to Rule 5(e) of the Rules Governing Section 2254 Cases, the court advises petitioner that he may submit a reply to the respondent's answer within forty-five days after the answer is filed. *See* docket no. 21. Petitioner can address his position in this reply. Accordingly, petitioner's motion to file a brief (docket no. 22) is premature and is **DENIED**.

**IT IS SO ORDERED.**

Dated: January 22, 2008

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge